



PLANNING COMMISSION MEETING STAFF REPORT APRIL 27, 2006

Project:	Centerville Grove Town Homes (PLN2006-00067)
Proposal:	To consider a Vesting Tentative Tract Map 7694, Private Street and Preliminary Grading Plan for the development of 15 residential town house units.
Recommendation:	Approve based on findings and subject to conditions
Location:	4141 & 4155 Central Avenue in the Centerville Planning Area APNs 501-536-48 & 501-536-49 (See aerial photo next page)
Area:	0.84-acre site
People:	Gary Willis and Rich Quattrini, Applicant Peter Jacobsohn & Bing Udinski Architects, Agent of Applicant Steve Willis & Rich Quattrini, Owners Terry Wong, Staff Planner (510) 494-4456; twong@ci.fremont.ca.us
Environmental Review:	An initial study and mitigated negative declaration were previously adopted for this project.
General Plan:	Existing: Medium Density Residential 15-18 du/ac
Zoning:	Planned District, P-2006-67

EXECUTIVE SUMMARY:

The subject site's General Plan land use was re-designated and rezoned to multi-family residential. The applicant recently received approval for a Planned District rezoning for the purposes of developing a new 15-unit residential town house development with common open space, landscaping, circulation, access grading and drainage improvements. The current entitlement request is for approval of a Vesting Tentative Tract Map, Private Street and Preliminary Grading Plan.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



SURROUNDING LAND USES:

- North: Commercial/religious facility
- South: Medium density apartment district
- East: Low density residential
- West: Low density residential

BACKGROUND AND PREVIOUS ACTIONS:

On February 9, 2006 the Planning Commission recommended approval of a General Plan Amendment from Low Density Residential, 5 to 7 dwelling units per acre to Medium Density Residential, 15 to 18 dwelling units per acre, as well as a Rezoning from Single-Family Residential District, R-1-6, to Planned District, P-2006-67, and an amendment to the Centerville Specific Plan for a 15-unit town house development. On March 7, 2006, the City Council approved the project. The applicant now requests approval of a Vesting Tentative Tract Map, Preliminary Grading Plan and Private Street.

PROJECT DESCRIPTION:

The project consists of a Vesting Tentative Tract Map, Preliminary, Private Street and Grading Plan for the subdivision and development of two parcels of land into multiple parcels to accommodate 15 residential units and associated landscape, circulation, access, grading and drainage improvements.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Medium Density Residential, 15-18 dwelling units per acre. The proposed project, at 15 units on a 0.84 acre site provide a density of 18 units/acre and is consistent with the existing General Plan land use designation for the site. The existing General Plan land use designation, and density range, for the project site is Medium Density Residential, 15 to 18 dwelling units per acre (du/ac). The required minimum density of the project is 14 du/ac which is at the midpoint of the density range. A minimum of 14 dwelling units must be constructed on the 0.84 acre project site. The applicant chose to develop at 18 du/ac (e.g., 18 du/ac x 0.84 ac = 15). The proposal supports the policies and goals of the Land Use and Housing Elements of the General Plan by providing new housing opportunities through redevelopment of underutilized parcels close to public transportation while also preserving the character of the City's existing single-family residential neighborhoods (Policy LU1.9 and Goal H 1). The proposed project is consistent with General Plan, because the project meets the General Plan Housing and Land Use goals and policies as follows:

The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Land Use Goals

Land Use Goal 1.9: The proposed project is compatible with this land use goal which states, "To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate". Criteria for the location of higher density housing include access to transit, proximity to commercial areas, and proximity to a collector or arterial street. The proposed project is located within close proximity to the Centerville train station and bus routes.

Fundamental Goal F8: A Diversity of residential, recreational, cultural, employment and shopping opportunities.

Fundamental Goal H3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002.

GOAL H 2: High quality and well designed new housing of all types throughout the City.

The applicant is proposing professionally designed, high quality architecture, as discussed later, which is both appropriate for and responds to surrounding development.

GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

Attached single-family townhouses of this size provide more affordability than detached housing units in Fremont. In addition, the applicant is also providing two below market rate units.

Policy LU 1.11: Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.

Transitions between the adjacent residential developments are achieved through architecture and design of the proposed development, as well as the general size, height, and massing of the structures. The project appropriately transitions between existing developments on the south, west and north by providing adequate building separation between the existing buildings on adjacent property and the proposed building by incorporating staggered setbacks and appropriate landscape screening.

Policy LU 1.23: A variety of unit types and sizes shall be encouraged within each multi-family project.

The applicant is proposing a variety of unit sizes to comply with this policy. As indicated earlier the sizes of the units range between 1,219 square feet and 1,943 square feet of living space, with three and four bedrooms plans available.

Policy LU 1.24: Multi-family housing... shall be designed to accommodate the needs of families and children.

This project incorporates six unique floor plans of varying sizes as well as an affordable component to meet these goals and policies. The proposed units include multiple bedrooms, which will help accommodate the potential needs of families and children. To accommodate the developments needs, the proposal includes a "public area" or common open space for the use of the residents and guests of Centerville Grove town homes.

Zoning Regulations:

Vesting Tentative Tract Map 7694, Private Street and Preliminary Grading Plan are in conformance with the approved Planned District (P-2006-67) zoning for the site in that they implement the previously approved development plan. .

Design Analysis:

Circulation:

Pedestrian and vehicle access to the project site is from Central Avenue, an existing public street. Street improvements are required on Central Avenue in accordance with the Subdivision Ordinance. New pavement, curb, gutter, landscaping, sidewalk, and driveway shall be constructed.

A multi-phase public works project, City Project No. 8445(PWC) – Central Avenue Widening, is currently in process and the City project will eventually complete the street improvements on Central Avenue between Fremont Boulevard and Joseph Street. Currently the City's project has already purchased the necessary right-of-way and easements from the subject properties. However, the portion of the City's project to install the street improvements has not been finalized. It is anticipated that the construction contract for the City's project will be awarded in late 2006 or early 2007.

If the applicant records their final map prior to the City's commencement of its street improvement project, the developer may be required to install complete street improvements up to the centerline of Central Avenue in accordance with the Subdivision Ordinance. The tentative map shows the ultimate Central Avenue right-of-way. Conditions of approval regarding the right-of-way dedication and street improvement requirements were included as part of the Planned District rezoning.

On site vehicle circulation is provided by a private vehicle access way (PVAW), which is a type of private street used in condominium and townhouse developments. The PVAW, as shown on the tentative map, conforms to the previously approved Planned District. Decorative concrete sidewalks located in front of each row of town homes provide residents and guests access to Central Avenue.

Grading & Drainage:

The project site is currently improved as two single-family residential lots with associated improvements. The existing houses will be demolished to facilitate the townhouse project. Two of the existing trees were required to be preserved as part of the Planned District conditions of approval. The existing ground topography is mostly flat, with a slight downward slope towards the rear of the property (northwest). Ground elevations vary from approximately 48 feet along Central Avenue to approximately 46 feet in the northwest corner.

The project civil engineer estimates grading quantities for the project to be 2,745 cubic yards of fill and zero yards of cut. Because the site is currently lower than Central Avenue, the on-site grades will be raised to provide positive overland drainage release to the street. Retaining walls up to two feet in height are proposed along the western property line and along a portion of the southern property lines. A one-foot high retaining wall is proposed along a portion of the northern property line. Masonry fences will be installed on top of the retaining walls.

The drainage design for the project consists of a system of grassy swales, concrete ditches and gutters, and underground storm drain pipes. The on-site system will connect to the public storm drain in Central Avenue, to be built with the City's public works project. The project shall be designed such that the post-development runoff equals the pre-development runoff for the design storm. The on-site storm drain system shall be subject to review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District prior to final map approval.

The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. The developer shall be entitled to a fee credit waiver for the two homes to be removed.

Environmental Review:

An initial study and mitigated negative declaration were previously adopted for this project. The environmental analysis identified concerns regarding potential impacts to cultural resources, hydrology/water quality, noise, air quality, and geology/soils. The Mitigated Negative Declaration included mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures were included as conditions of approval for Planned District P-2006-67.

The Initial Study conducted for the project has also evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on any wildlife resources.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 237 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on April 7, 2006. A Public Hearing Notice was published by The Argus on April 14, 2006.

ENCLOSURES:

EXHIBITS: Exhibit "A" Vesting Tentative Tract Map 7694
Exhibit "B" Preliminary Grading Plan and Private Street
Exhibit "C" Findings and Conditions

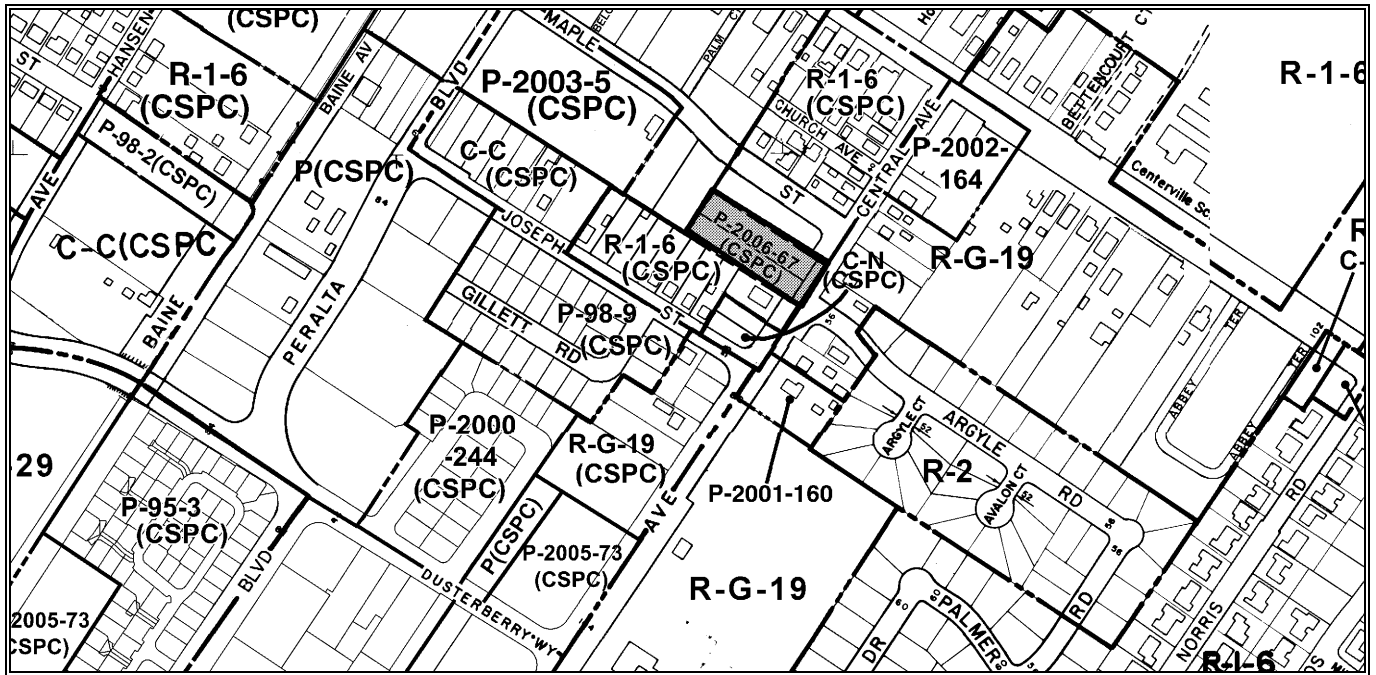
INFORMATIONAL: Mitigated Negative Declaration and Mitigation Monitoring Plan

RECOMMENDATION:

1. Hold public hearing.

2. Find the initial study conducted for the project evaluated the potential impacts that could cause an adverse effect, either individually or cumulatively, on wildlife resources, and concluded that the implementation of approved mitigation measures would reduce all identified impacts to a level of less than significant. Therefore, because the proposed project has not changed, find that there is no evidence the additional entitlements would have any potential for adverse effect on wildlife resources.
3. Find that the previously adopted Mitigated Negative Declaration and Mitigated Monitoring Plan for the project are valid and that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment and further finding that this action reflects the independent judgment of the City of Fremont.
4. Find that the proposed project is in conformance with the relevant provisions contained in the City's General Plan and Centerville Specific Plan. These provisions include the designations, goals and policies set forth in the General Plan and Centerville Specific Plan as enumerated within the staff report and Finding Exhibits adopted/recommended herewith.
5. Find Vesting Tentative Tract Map 7694 as shown on Exhibit "A", Preliminary Grading Plan and Private Street shown on Exhibit "B" are in conformance with the relevant provisions contained in the City's General Plan and standards of the Fremont Municipal Code.
6. Approve Vesting Tentative Tract Map 7694 as shown on Exhibit "A", Preliminary Grading Plan and Private Street as shown on Exhibit "B", subject to findings and conditions on Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

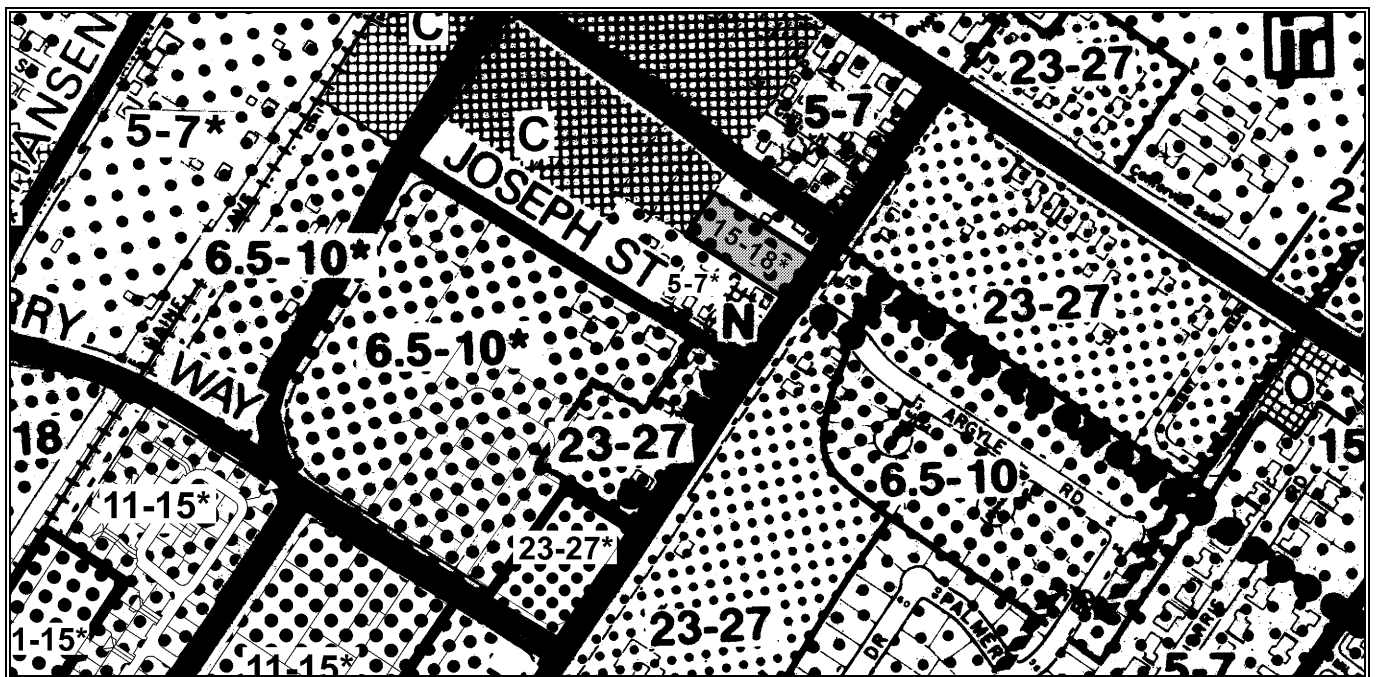


EXHIBIT "C"
CENTERVILLE GROVE TOWN HOMES
VESTING TENTATIVE TRACT MAP 7694, PRIVATE STREET & PRELIMINARY
GRADING PLAN (PLN2006-00067)

VESTING TENTATIVE TRACT MAP FINDINGS:

The following findings are made based upon the information contained in the staff report to the Planning Commission dated April 27, 2006, as well as information presented at the public hearing, incorporated hereby:

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards as stipulated in the Planned District (P-2006-67) zoning district.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan and any applicable specific plan, because the proposed development conforms to the requirements of the General Plan land use designations, General Plan policies, and Centerville Specific Plan and policies (as enumerated in the staff report).
3. The site is physically suitable for the type and proposed density of the development because the project site is flat, located on a major arterial with transit availability, and located in an urban area.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no habitat exists on site. The site will be developed where two single-family residences are located, with no wildlife resources.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems because the environmental review process of the subdivision has taken those concerns into consideration and has found with proper mitigation all impacts would be less than significant.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements will be required prior to the acceptance of the Final Map for this project.

PRIVATE STREET FINDINGS

1. The most logical development of the land requires private street access because the physical character of the project is more amenable to the less intense right-of-way required of a private street.

2. The development of the land is well defined because the design of the subdivision and proposed improvements are in conformance with the City of Fremont's applicable codes and policies.

PRELIMINARY GRADING PLAN FINDINGS

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, that substantially and/or negatively affects the site.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is not in a special studies zone. There are no fault zones or evidence of slides on the site which might be aggravated by the grading of the site.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the City Engineer upon city review of the reports. The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not negatively impact the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.

**VESTING TENTATIVE TRACT MAP 7694 & PRIVATE STREET
CONDITIONS OF APPROVAL:**

1. The project shall conform to Exhibit "A" (Vesting Tentative Map 7694 & Private Streets), all conditions of approval set forth herein, and the conditions of approval of Planned District P-2006-67.
2. Approval of this Vesting Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
3. The final map and subdivision improvement plans shall be submitted to the Engineering Division for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
4. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans and final map. The final streetlight plan and joint trench plan shall be completed prior to final map approval.
5. The developer shall request P.G. & E. to commence with the design of the utility underground work for the proposed development after the Planning Commission's approval of Tentative Tract Map 7694.
6. Precise geometry and location of all driveways shall be subject to approval of the City Engineer.
7. Pursuant to Government Code Section 66474.9, the Subdivider, or any agent thereof, or successor thereto, shall defend, indemnify, and hold harmless the City of Fremont, its officials, employees or agents (collectively "City") from any claim, action or proceeding against the City to attack, set aside, void, or annul, the City's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.
8. Any development on the newly created lots will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park facilities, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance. The developer will be given a fee credit for the two homes that will be removed. The Centerville Specific Plan fees will be applicable to this project.
9. All new utility service connections, including electrical and communications, shall be installed underground. Electrical transformers shall be installed in underground vaults within an appropriate utility easement or public service easement.
10. The project storm drain system shall conform to City standards and shall be subject to review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District.

11. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water measures for operation and maintenance of the project.
12. The developer is responsible for ensuring that all contractors and subcontractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
13. For air conditioning units, air conditioning condensate should be directed to landscaped areas or alternatively connected to the sanitary sewer system after obtaining permission from Union Sanitary District. Any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
14. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
15. The homeowners association shall prepare and implement a plan for pavement sweeping and cleaning of all storm drain inlets.
16. The Private Street (Orchid Common) is being conditionally approved based on the accuracy of the information shown on Exhibit "A." Final approval of the Private Street, PLN2006-00067, shall become effective upon final map approval.
17. The private street names are subject to modification prior to final map approval.
18. Fire hydrants are to be located along the private street as determined by the Fremont Fire Department.
19. Deed restrictions are to be recorded concurrently with the final map to create a mandatory Home Owner's Association or any other mechanism acceptable to the City for those lots with private street frontage which is to covenant and be responsible for the following:
 - a. Maintenance of the facilities in the private street which are not maintained by a public utility agency, except all utility work resulting from backfill failure is to be the responsibility of the Home Owner's Association.
 - b. Payment of the water and private street lighting (maintenance and energy) bills.
 - c. Maintenance, repair, replacement and removal of blockages in all building sewers. Maintenance of the building sewers includes repair of any trench failures and/or trench surface material failures.
 - d. Maintenance and "knock-down" repair of fire hydrants and water facilities along the private street is to be done by the utility agency at the expense of the Home Owner's Association.

The Home Owner's Association is to be responsible for repainting any fire hydrants along the private street.

20. Each buyer is to sign an acknowledgment that he/she has read the constitution and bylaws of the Home Owner's Association and the conditions, covenants and restrictions applying to the development.
21. Private street grading and drainage shall be done according to public street standards, subject to review and approval by the City Engineer prior to final map approval.
22. Pursuant to FMC Section 8-1522 and 8-3107, the subdivider is to improve prior to final map approval or agree to improve within one year of final map approval, the private street within the subdivision. No permanent improvement work is to commence until improvement plans and profiles have been approved by the City Engineer. Improvements are to be installed to permanent line and grade in accordance with the City's subdivision improvement standards and to the satisfaction of the City Engineer. Improvements to be constructed include, but are not limited to: Curb and gutter, driveways, street paving, private street monuments, electroliers (wired underground), drainage facilities, signs, and fire hydrants.
23. The private street pavement shall be designed on the basis of a traffic index using predicted traffic generation and a thirty-year pavement design life. In no case shall the traffic index be less than 5.5. Asphalt concrete surfacing to be treated with a seal coat of the type and amount required by the City Engineer. Pavement design sections shall be subject to approval of the City Engineer.
24. Safety lighting is to be provided on the private street. Lights shall utilize "vandal resistant" enclosures and shall have sufficient power and spacing to provide an average maintained foot-candle level of 0.12.
25. A signpost, to which is attached a sign having an area of at least fifteen inches by twenty-one inches, is to be installed at or near the private street entrance. The name of the private street is to be placed on this sign in clearly legible four-inch letters. The sign is to have painted, in at least one-inch letters: "Private Property. Not dedicated for public use."

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

26. The project shall conform with Exhibit "B" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Vesting Tentative Map 7694, PLN2006-00067.
27. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
28. Approval of this Preliminary Grading Plan shall run concurrent with the approval and subsequent extensions of Vesting Tentative Tract Map 7694. Approval of this Preliminary Grading Plan shall terminate upon the expiration of Vesting Tentative Tract Map 7694.
29. A grading permit issued for the project shall be in accordance with the Grading, Erosion, and Sediment Control Ordinance (Chapter 4, Title VIII of the Municipal Code). Grading shall be subject to the approval of the City Engineer.
30. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
31. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul truck route for the excess dirt or import fill shall be subject to the approval of the City Engineer.
32. The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections, prepared by a qualified soils engineer registered by the State of California. The soils report shall include specific recommendations for on site pavement areas that will experience repeated exposure to heavy vehicle loads.
33. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
34. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.